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14 SEP 2006

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In re Application of: SMITH, et al
Application No.: 10/538,991
PCT Application No.: PCT/US03/41392
Int. Filing Date: 22 December 2003
Priority Date Claimed: 20 December 2002
Attorney Docket No.: 112981.126US1
For: HIGH PRESSURE COMPACTION for
PHARMACEUTICAL FORMULATIONS

Adjustment date: 09/15/2006 SRASHEIR
06/21/2005 LLANDGRA 00000045 000219 10538991
04 FC:1462 400.00 CR

DECISION

This decision is a response to Applicants' submission filed on 15 June 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 December 2003, Applicants filed international application PCT/US03/41392, which designated the U.S. and claimed a priority date of 20 December 2002. A copy of the international application was communicated to the USPTO from the Bureau on 15 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 June 2005.

On 15 June 2005, Applicant filed a submission for entry into the national stage in the United States which was accompanied by, inter alia, the U.S. Basic National Fee, an assertion of small entity status, an Application Data Sheet, and the instant "PETITION TO CORRECT PRIORITY UNDER 37 C.F.R. 1.182".

DISCUSSION

The petition indicates that provisional application serial number 60/435,448 was incorrectly listed as serial number 60/435,488 in international application number PCT/US03/41392. The petition also indicates that Applicant has included the correct priority number to provisional application serial number 60/435,448 in the

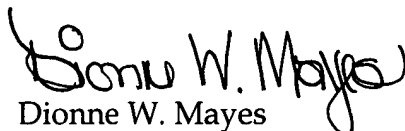
accompanying Application Data Sheet. The instant petition under 37 CFR 1.182 was filed to correct this priority claim.

A petition under 37 CFR 1.182 is not necessary in the instant situation. Either Applicant complies with 37 CFR 1.78(a)(5) or Applicant does not. If Applicant complies, no petition is necessary. If Applicant fails to comply, a petition under 37 CFR 1.78(a)(6) is required. The petition fee will be credited to Deposit Account 08-0219.

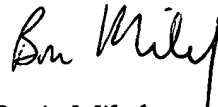
In the instant situation, Applicant has complied with 37 CFR 1.78(a)(5). The Application Data Sheet contains the correct priority claim, and such sheet was filed within four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f).

CONCLUSION

For the reasons set forth above, the instant petition under 37 CFR 1.182 is **DISMISSED as MOOT.**



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